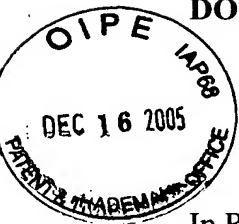


IFW
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DOCKET NO.: CEPH-2249/CP241

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Craig Heacock, et al.

Confirmation No.: 1994

Application No.: 10/616,776

Group Art Unit: Not yet assigned

Filing Date: July 10, 2003

Examiner: Not yet assigned

For: **MODAFINIL PHARMACEUTICAL COMPOSITIONS**

☒ MS Amendment ☐ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

☒ A Second Supplemental Preliminary Amendment.

☒ Other:

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 CFR § 1.102 and MPEP § 708.02)

☒ Other:

DECLARATION BY ATTORNEY IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (MPEP § 708.02)

☒ Other:

DECLARATION OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (MPEP § 708.02)

☐ An Amendment Responsive to the Office Action Dated

☐ An Amendment Supplemental to the Paper filed

☐ A Substitute Specification (pages 1 -) in clean form.

☐ A substitute specification (pages 1 -) with markings.

☐ An Abstract is enclosed.

- ☐ replacement sheets of drawings are enclosed comprising figures
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.
 - ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
 - ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Assignee Power of Attorney is enclosed.
- ☒ Supplemental Information Disclosure Statement.
 - ☒ Attached Form 1449.
 - ☒ A copy of one reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☐ **No Additional Fee is Due.**
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	215	208 (20 MINIMUM)	7	\$25 EACH	\$	\$50 EACH	\$350.00
INDEP. CLAIMS	3	15 (3 MINIMUM)	0	\$100 EACH	\$	\$200 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$180	\$	\$360	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$60	\$	\$120	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$225	\$	\$450	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$510	\$	\$1020	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$795	\$	\$1590	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1080	\$	\$2160	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$65	\$	\$130	\$
<input checked="" type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS: PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 CFR § 1.102 and MPEP § 708.02)							130.00
TOTAL FEE DUE					\$		\$480.00

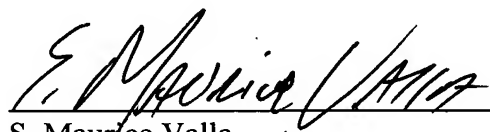
- ☒ A check in the amount of **\$480.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of .00 . This sheet is attached in duplicate.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of _____ to and through comprising an extension of the shortened statutory period of _____ month(s).

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PATENT

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: December 15, 2005


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Registration No. 43,966

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